NOTIFICATION.

No. Rl. 1696—L. C. 14-40-1, dated Bangalore, the 16th December 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Legislative Council Rules, 1940:—

1. In Rule 22-A, the following shall be added as sub-rule (2):—

22-A (2).—A member of the Depressed Classes who is qualified to be chosen in a territorial constituency to fill a seat in the Legislative Council under sub-rule (1) shall be qualified to fill that seat or any other seat of a similar class.

Explanation.—The fact that one of two territorial constituencies is an urban and the other a rural constituency shall not prevent them being deemed to be constituencies of a similar class if they are both general constituencies, and the expression "seat of a similar class" shall, for the purposes of this sub-rule, be construed accordingly.

2. Rule 82 shall be deleted.

3. The provisos to Rule 125 shall be deleted.

4. The following shall be inserted as Part IV-A after Part IV of Chapter VII:—

PART IV-A.

Special rules for constituencies in which seats are reserved for members of the Depressed Classes.

130-A. In the case of elections in constituencies in which a seat is reserved for members of the Depressed Classes, rules 80, 81, 95, 96, 104, 105, 120, 121 shall, in so far as they are inconsistent with any of the following rules, not be applicable and the following rules shall be deemed to be substituted therefor and shall apply accordingly.

Publication of lists of candidates.

130-B. The Returning Officer, or the person authorised under rule 69 shall prepare separate lists in Form IV showing the names of candidates—

(*a*) for the reserved seat; and

(*b*) for the non-reserved seats, in the manner specified in rule 80.

Procedure after the publication of lists of candidates.

130-C. If the number of candidates standing for election to the reserved seat or to the non-reserved seats, respectively—

(*a*) is equal to the number of the reserved seat or the non-reserved seats, as the case may be, all such candidates shall be declared by the Returning Officer to be duly elected; or

(*b*) is less than the number of the reserved seat or the non-reserved seats, as the case may be, the procedure prescribed in sub-rule (2) of rule 81 shall apply; or

(*c*) is more than the number of the reserved seat or the non-reserved seats, as the case may be, the Returning Officer shall forthwith publish in the Gazette and in such other manner as the Government may direct the names of the candidates for the reserved seat or the non-reserved seats, as the case may be, as given in the notices of candidature in alphabetical order with the symbol, if any, assigned to each candidate, and a poll shall be taken.

Form of ballot papers.

130-D. The ballot paper for the non-reserved seats shall be in Form V (*a*) and for the reserved seat in Forms V (*b*) and V (*c*). Each of the forms shall be serially numbered separately, the serial number being printed on the counterfoil and on the back of the ballot paper.

Number of votes to be recorded by each elector.

130-E. (1) In respect of the non-reserved seats, if more than one non-reserved seat has to be filled, an elector shall have as many votes as there are non-reserved seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

(2) In respect of the reserved seat, an elector shall have one vote only.

Issue of ballot papers.

130-F. (1) In the case of an election to a non-reserved seat or seats, an elector, whether a Member of the Depressed Classes or not, shall be given a ballot paper in in Form V (*a*).

(2) In the case of an election for a reserved seat, an elector who is a member of the Depressed Classes shall be given a ballot paper in Form V (*b*), and an elector who is not a member of the Depressed Classes shall be given a ballot paper in Form V (*c*).

Procedure on closing of poll.

130-G. The Presiding Officer of each Polling Station, as soon as practicable after the close of the poll shall, in the presence of any candidates who may be present make

up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals—

(i) each ballot box in use at such station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers;

(iv) the marked copy of the electoral roll;

(v) the counterfoils of the ballot papers:

Provided that the ballot papers referred to in sub-clauses (ii) and (iii) and the counterfoils of the ballot papers referred to in sub-clause (v) shall be made up into separate packets of Form V (*a*), Form V (*b*) and Form V (*c*).

Statement by Presiding Officer.

130-H. The box shall be accompanied by a statement in a separate cover in Form VII (*a*) made by the presiding officer showing the number of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) entrusted to him and accounting for them under the heads of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) in the ballot boxes, unused and spoilt ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) and ballot papers, dealt with under rule 103.

Procedure at counting.

130-I. The ballot boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 103, as the case may be, shall be opened one after another and the Returning Officer shall take out the ballot papers therefrom, separate them into bundles of Forms V (*a*), V (*b*) and V (*c*), count each bundle or cause them to be so counted and record the numbers thereof in a statement. Such statement shall not be shown to any candidate or agent.

Distribution of ballot papers for counting.

130-J. The Returning Officer shall then distribute the bundles of Forms V (*b*) and V (*c*) to the persons appointed to assist in the counting of votes, and cause the votes recorded on the two forms of ballot paper to be counted separately.

Declaration of result for the reserved seat.

130-K. When the counting of votes has been completed, the Returning Officer shall proceed as follows:—

(*a*) if two candidates have stood for election to the reserved seat, the candidate to whom not less than sixty per cent of the valid votes recorded on ballot papers in

Form V (*b*) is given shall be declared by the Returning Officer to be elected to the reserved seat :

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in Form V (*c*) ;

(*b*) if either of the two candidates fails to obtain the percentage of votes recorded on ballot papers in Form V (*b*) mentioned in the above sub-rule, the candidate to whom the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined is given shall be declared by the Returning Officer to be elected for the reserved seat ;

(*c*) If three or more candidates have stood for election, the candidate to whom is given not less than forty per cent of the valid votes recorded on ballot papers in Form V (*b*) shall be declared by the Returning Officer to be elected to the reserved seat :

Provided that such candidate has obtained not less than five per cent of the valid votes recorded on ballot papers in Form V (*c*) ;

(*d*) where an equality of valid votes recorded on ballot papers in Form V (*b*) is found to exist between any two candidates, then any candidate who has obtained the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat ;

(*e*) If none of the candidates has obtained forty per cent of the valid votes recorded on ballot papers in Form V (*b*), the candidate who gets the largest number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat :

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in Form V (*b*) ;

(*f*) For the purposes of this rule, fractions of less than half shall not be taken into account and fractions of more than half shall be counted as one.

Counting of ballot papers for the non-reserved seats.

130-L. The Returning Officer shall next distribute the bundle of ballot papers in Form V (*a*) to the persons appointed to assist in the counting of votes and cause the votes to be counted.

Declaration of results for the non-reserved seats.

130-M. After the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given to be elected to the non-reserved seat or seats.

Return of the result of election.

130-N. The Returning Officer shall, after the completion of the procedure for the verification of statement specified in rule 128 prepare and certify two returns in Form XIII, one for the seat reserved for members of the Depressed Classes and another for the non-reserved seat or seats, in the manner specified in rule 130 and shall forward copies of the returns to the Government as soon as possible after reporting the result of the election as required by rule 127.

5. The following note shall be added to the foot note inForm III :—

"In the case of a member of the Depressed Classes who is entitled to stand as a candidate in any general constituency, the name of the constituency in the electoral roll of which the candidate is registered as an elector and his number therein must be given in this column."

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.